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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,519	12/13/2000	Yukiko Morioka	WAM-03301	8886

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PATENT GROUP  
CHOATE, HALL & STEWART  
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EXAMINER

GARRETT, DAWN L

ART UNIT PAPER NUMBER

1774

15

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/736,519	<b>Applicant(s)</b> MORIOKA ET AL.	
	<b>Examiner</b> Dawn Garrett	<b>Art Unit</b> 1774	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 19-28, 35-46 and 53-62 is/are rejected.
- 7) ☒ Claim(s) 13-18, 29-34, 47-52 and 63-103 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12</u> . | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 3, 2003 has been entered.

***Response to Amendment***

2. The amendment previously filed on December 17, 2002 (paper no. 9) was entered as instructed in the request for continued examination. Claim 1 was amended. Claims 1-103 are pending.

3. The rejection of claims 1-6, 19-22, 35-40, 53-56, 69-74, 87-90, and 103 under 35 USC 102(b) as being anticipated by Tokailin et al. (US 5,126,214) is withdrawn due to the amendment.

4. The rejection of claims 7-12, 23-28, 41-46, 57-62, 75-80, and 91-96 under 35 USC 103(a) as being unpatentable over Tokailin et al. (US 5,126,214) is withdrawn due to the amendment.

5. The rejection of claims 13-18, 29-34, 47-52, 63-68, 81-86, and 97-102 under 35 USC 103(a) as being unpatentable over Tokailin et al. (US 5,126,214) in view of Hitoshi et al. (JP 11-074079) is withdrawn due to the amendment.

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6. The rejection of claims 1-103 under 35 USC 112, second paragraph, set forth in paper no. (mailed October 4, 2003), paragraph 8, is withdrawn due to the amendment.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-12, 19-28, 35-46, and 53-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Bulovic et al. (US 6,312,836). Bulovic discloses color-tunable organic light emitting devices comprising an emissive layer between electrodes comprising a host material, an emissive material, and a polarization material (see claim 1, col. 28, lines 5-20). The emissive layer may comprise the combination of TPD diamine compound as host, Alq3 as polarization material, and emissive material DCM2 (see claims 4, 6, and 7, col. 28). These compounds read upon the "at least two compounds" of claim 1. The peak of DCM2 is at 597 nm, while the peak for Alq3 is about 500 nm. The combination of the two causes a shift of the DCM2 to 614 nm per instant claims 1 and 2 (see col. 27, lines 20-25). The shifted peak of DCM2 reads upon the different wavelength of claim 1 and the longer wavelength of claim 2. Both TPD and Alq3 are considered to be electroluminescent materials per instant claims 3 and 4. The emissive material DCM2 is also considered to be an electroluminescent material per instant claims 3 and 4 and a fluorescence material per instant claims 5, 6, and 19-28.

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The TPD of the emissive layer reads upon the structure of the electroluminescent material of formula [1] per instant claims 7-12. Hole transporting layers (HTL) are disclosed as adjacent the anode and accordingly, the emissive HTL discussed at col. 27, l. 10-14 reads upon instant claims 35-46 and 53-62 (see col. 2, lines 22-24). Bulovic et al. discloses all features of claims 1-12, 19-28, 35-46, and 53-62.

***Allowable Subject Matter***

9. Claims 13-18, 29-34, 47-52, and 63-103 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-103 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (703) 305-0788. The examiner can normally be reached Monday through Friday. (After approximately December 2003, the examiner's new office phone number will be (571)272-1523.)

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached at (703) 308-0449. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.



Dawn Garrett  
Examiner  
Art Unit 1774

D.G.  
October 9, 2003

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